

In 2016, Peru made a significant advancement in efforts to eliminate the worst forms of child labor. The Government published results from the 2015 National Child Labor Survey and signed agreements with two universities to develop joint activities under the Responsible Peru program to prevent and eradicate child labor. The National Labor Inspection Superintendency opened a new inspection office in Arequipa and adopted new labor protocols for forced labor and child labor inspections. However, children in Peru engage in the worst forms of child labor, including in mining and in commercial sexual exploitation, sometimes as a result of human trafficking. Labor law enforcement agencies in Peru lack sufficient training and inspectors to adequately combat child labor. Moreover, Peruvian law allows adolescents to engage in night work in some circumstances, and contradictions in the law may allow adolescents to work in mining and commercial fishing, despite the designation of both activities as hazardous.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Peru engage in the worst forms of child labor, including in mining and in commercial sexual exploitation, sometimes as a result of human trafficking.(1-17) The 2015 National Child Labor Survey, published in 2016, identified 1,619,200 children, ages 5 to 17, engaged in child labor in Peru. Rates of child labor were higher in the sierra and jungle regions than in the coastal region and also higher in rural areas than in urban areas.(18) Table 1 provides key indicators on children's work and education in Peru.

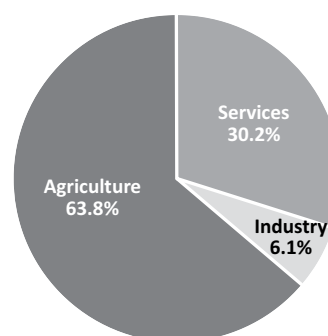
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	21.8 (1,261,484)
Attending School (%)	5 to 14	97.6
Combining Work and School (%)	7 to 14	25.0
Primary Completion Rate (%)		99.4

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(19)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta de Trabajo Infantil (ETI), 2015.(20)

Figure 1. Working Children by Sector, Ages 10-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Production of Brazil nuts/chestnuts (2, 10, 17)
	Planting and harvesting avocados, barley, beans, cocoa, coffee, corn, grass, passion fruit, pineapples, plantains, potatoes, rocoto chili peppers, and yucca (21)
	Transplanting and harvesting rice (8, 14, 17, 22-31)
	Herding and caring for farm animals† (32)
	Fishing,† including deep sea fishing,† organizing tools, throwing fishing lines and nets,† unloading ships, harvesting crabs and shrimp eggs, and cleaning shrimp and prawns for packaging† (23, 33)
	Logging† timber and clearing forestland for mining, including cutting down and burning trees (1)
Industry	Mining,† including for silver and gold (1, 2, 10, 14-17)
	Construction and production of bricks† and fireworks† (2, 10, 17, 18)

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Table 2. Overview of Children's Work by Sector and Activity (cont)

Sector/Industry	Activity
Services	Street work,† including vending, begging, shoe shining, carrying loads, selling in kiosks and markets, collecting fares on public buses,† and washing cars (2, 8, 18, 23, 32, 34, 35)
	Treating leather and working on shoes (18)
	Repairing motor vehicles† (1)
	Garbage scavenging† and battery recycling (2, 15)
	Domestic work† and cleaning offices and hotels (18)
Categorical Worst Forms of Child Labor‡	Forced labor in mining, including gold mining (1, 12)
	Forced labor in logging timber, street vending, and begging (1-3, 5, 8, 9, 12, 34)
	Forced domestic work, sometimes as a result of human trafficking (8, 12, 34)
	Commercial sexual exploitation, including in bars, brothels, and mining camps, each sometimes as a result of human trafficking (1-13, 17, 36)
	Growing and processing coca (stimulant plant), sometimes as a result of human trafficking, and transporting drugs (2, 3, 5-8, 10, 12, 17, 34)
	Counterfeiting U.S. dollars, smuggling gas and gasoline (17, 23, 24)
	Forced recruitment of children by non-state armed groups for use in armed conflict (12, 17)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.




Children in Peru work in informal and small-scale mining, particularly for gold, sometimes in situations of forced labor, and are exposed to hazards, including wall and mine collapses, landslides, explosives accidents, and harmful gases.(1, 10, 12, 14-16, 23, 37, 38) Remnants of the Shining Path terrorist group use children in combat, domestic servitude, and drug trafficking.(12, 17)

Students ages 17 and 18 with an indigenous first language had a 48.7 percent secondary school completion rate in 2015, compared to a 71.4 percent secondary school completion rate among students whose first language is Spanish. Only 49.5 percent of girls ages 17 and 18 in rural areas completed secondary school in 2015, as opposed to 80.1 percent of girls the same age in urban areas.(39)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Peru has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Peru's legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Article 51 of the Child and Adolescent Code (40)
Minimum Age for Hazardous Work	No	18	Article 58 of the Child and Adolescent Code (41)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Sections A and B of Supreme Decree No. 003-2010-MIMDES; Article 58 of the Child and Adolescent Code (41, 42)
Prohibition of Forced Labor	Yes		Articles 2 and 23 of the Constitution; Article 4 of the Child and Adolescent Code; Articles 128, 129, 153, 168, and 182 of the Penal Code (41, 43-46)
Prohibition of Child Trafficking	Yes		Article 4 of the Child and Adolescent Code; Articles 153 and 182 of the Penal Code (41, 43-45)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 4 of the Child and Adolescent Code; Articles 153 and 179–183 of the Penal Code (41, 45, 47)
Prohibition of Using Children in Illicit Activities	Yes		Articles 128 and 297 of the Penal Code (44, 48, 49)
Minimum Age for Compulsory Military Recruitment			
State Compulsory	N/A		
State Voluntary	Yes	18	Articles 2, 6, and 42 of the Military Service Law (50)
Non-state Compulsory	No		
Compulsory Education Age	Yes	17 [‡]	Article 17 of the Constitution; Articles 12 and 36 of the General Education Law; Article 61 of Supreme Decree No. 011-2012-ED (8, 46, 51-53)
Free Public Education	Yes		Article 17 of the Constitution; Article 4 of the General Education Law (46, 51)

[‡] Age calculated based on available information (8, 46, 51-53)

The Child and Adolescent Code does not fully protect adolescents ages 12 to 18 engaged in night work and hazardous work. Article 57 prohibits children under age 12 and adolescents from working between the hours of 7 p.m. and 7 a.m., with the exception that a judge may authorize adolescents age 15 and older to engage in night work not exceeding 4 hours a day. In addition, although Section A of Supreme Decree No. 003-2010-MIMDES designates fishing and mining as work that is hazardous by nature, Article 51 of the Child and Adolescent Code allows adolescents to perform work in mining at age 16 and in commercial fishing at age 17, without provisions to ensure that their health, safety, and morals are fully protected or that they receive specific instruction or training in these activities.(40, 42)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Promotion of Employment (MTPE)	Set national policies and guidelines for labor law enforcement, including for inspections. Responsible for supporting the National Labor Inspection Superintendency (SUNAFIL).(54) Maintain an online reporting system to receive complaints of labor law violations.(55)
SUNAFIL	Enforce labor laws in 10 regions.(8, 56) Conduct labor inspections of employers who have more than 10 registered workers.(57) Maintain a special inspection group comprising 15 inspectors who conduct inspections targeting forced labor and child labor violations, and train other inspectors on these topics.(23, 58) Address possible child labor violations during inspections and refer cases of child labor to the Ministry of Women and Vulnerable Populations (MIMP) and the Public Ministry, as appropriate.(59)
Regional Directorates for Labor	Inspect employers with 10 or fewer registered workers and conduct labor inspections in regions without a SUNAFIL office. Independent from the MTPE.(12, 60)
Ombudsman's Department for Children and Adolescents	Coordinate government policies and programs that target children and adolescents. Assist the MTPE to investigate child labor complaints.(8)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
National Police	Enforce criminal laws regarding child labor and child exploitation, and maintain a human trafficking investigation unit to investigate cases of child trafficking for labor and sexual exploitation.(8, 61) Coordinate with the Public Ministry and MIMP to place rescued minors with family members or state social services.(62)
Public Ministry	Coordinate with the MTPE, SUNAFIL, and the National Police to investigate and prosecute cases of criminal violations of child labor laws. Maintain a specialized human trafficking prosecutorial unit in the Public Prosecutor's Office.(63)
Ministry of the Interior (MININTER)	Investigate child trafficking cases.(8) Maintain a hotline to receive reports of human trafficking. Provide victims and the general public with information on human trafficking, refer cases of human trafficking to the relevant government offices, and coordinate services for victims.(62, 64)
MIMP Children's Bureau	Design, promote, coordinate, monitor, and evaluate government policies and programs for the well-being of children.(8, 65) Provide social services to children found in the worst forms of child labor and refer cases to the MTPE.(58, 66)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Peru took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	\$24,282,131.66 (8)	\$23,431,454.01 (12)
Number of Labor Inspectors	482 (8)	480 (60)
Inspectorate Authorized to Assess Penalties	Yes (8)	Yes (60)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to Child Labor	Unknown	Unknown
Refresher Courses Provided	Unknown	Yes (60)
Number of Labor Inspections	35,813 (67)	Unknown
Number Conducted at Worksite	Unknown	Unknown
Number Conducted by Desk Reviews	Unknown	Unknown
Number of Child Labor Violations Found	85 (8)	132 (60)
Number of Child Labor Violations for Which Penalties Were Imposed	11 (8)	Unknown
Number of Penalties Imposed That Were Collected	0 (8)	Unknown
Routine Inspections Conducted	Yes (8)	Yes (12)
Routine Inspections Targeted	Yes (8)	Yes (12)
Unannounced Inspections Permitted	Yes (8)	Yes (12)
Unannounced Inspections Conducted	Yes (8)	Yes (60)
Complaint Mechanism Exists	Yes (55)	Yes (60)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (8)	Yes (12)

In 2016, the National Labor Inspection Superintendency (SUNAFIL) opened a new inspection office in Arequipa and was operational in 10 out of 25 regions. SUNAFIL adopted new labor protocols on forced labor and child labor inspections, and the Ministry of Labor and Promotion of Employment (MTPE) approved an operational definition of child labor using indicators from the 2015 National Household Survey.(12, 60) During the reporting period, SUNAFIL and the MTPE conducted 882 child labor inspections.(12) However, inspectors lack sufficient training and resources, such as transportation and fuel, particularly in the informal sector in which the majority of child labor occurs in Peru.(8, 12, 34, 37, 61, 68) The number of labor inspectors is insufficient for the size of Peru's workforce, which includes over 17 million workers. According to the ILO's recommendation of 1 inspector for every 15,000 workers in developing economies, Peru should employ roughly 1,141 inspectors.(69-71) Many regional labor inspectorates are understaffed and underfunded, and the Government continued to report an insufficient number of labor inspectors throughout the country.(12) NGOs estimated that the labor authority collected only 10 percent of imposed fines, reducing their effectiveness to deter child labor violations.(5, 8)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Peru took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Unknown
Refresher Courses Provided	Yes (63)	Unknown
Number of Investigations	359 (72)	764 (36)
Number of Violations Found	Unknown	281 (36)
Number of Prosecutions Initiated	Unknown (8)	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (8)	Yes (12)

In 2016, the human trafficking investigation unit of the National Police employed 143 officers, an increase from 110 in 2015.(12) NGOs and the MTPE noted that investigators did not have sufficient funding or resources to carry out investigations and that training for MTPE investigators was insufficient and failed to strengthen MTPE investigative capacity.(8, 12) In September, a five-judge panel of the Permanent Chamber of the Supreme Court absolved a bar owner who employed a 14-year-old girl to serve men drinks after determining that the employer was unaware that the girl was also subjected to commercial sexual exploitation in the bar. The panel did not penalize the owner for employing a minor in a bar, although this is prohibited by Section A of Supreme Decree No. 003-2010-MIMDES.(17, 42)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Commission for the Prevention and Eradication of Child Labor (CPETI)	Implement the National Strategy for the Prevention and Eradication of Child Labor.(55) Propose public policies and coordinate, evaluate, and monitor government actions to combat child labor. Maintain subcommittees, including on informal mining, child labor in indigenous villages, and project evaluation. (8) Led by the MTPE, comprises representatives from 17 government agencies, including MININTER; the ministries of Education and Justice; the Peruvian National Police; and business associations, unions, and NGOs.(8, 34)
Regional Commissions for the Prevention and Eradication of Child Labor	Manage and implement regional public policy for the prevention and eradication of child labor. Present in all 25 regions of Peru.(60)
National Commission Against Forced Labor	Coordinate government efforts to combat forced labor, including conducting research on forced labor, conducting awareness-raising campaigns, developing legislation, and strengthening Peru's institutional capacity to address forced labor. Led by the MTPE, with participation of eight additional government ministries.(61, 62) Met infrequently throughout 2015 and 2016.(8, 12, 55)
Permanent Multi-Sectoral Commission on Illegal Mining	Coordinate government efforts to address illegal mining by developing programs to eradicate child labor and commercial sexual exploitation of children in mining areas. Led by the Prime Minister's Office, includes representatives of regional governments and six national government agencies, including the Ministry of Energy and Mines and MININTER.(73)
Multi-Sector Commission Against Trafficking in Persons	Lead and coordinate government efforts to combat human trafficking by designing, recommending, monitoring, and implementing policies to combat human trafficking, including of children. Chaired by MININTER, comprises 12 government agencies, including the MTPE, MIMP, and the ministries of Justice, Education, and Health.(61) Established in March 2016 to institutionalize the previous committee against human trafficking.(36)

In 2016, law enforcement agencies, including SUNAFIL, the MTPE, and the National Police, continued to coordinate efforts to curtail child labor in the rice plantations of the Tumbes region. However, an overall lack of interagency coordination in Peru limits the collection and sharing of information to address child labor.(12) In addition, some Regional Commissions for the Prevention

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and Eradication of Child Labor have not fulfilled their mandate to create action plans to combat child labor, while others have action plans but have failed to provide the necessary funding to carry them out.(59, 63)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Strategy for the Prevention and Eradication of Child Labor (2012–2021)	Aims to eliminate the worst forms of child labor by improving livelihoods of low-income families, educational opportunities, and working conditions for adolescents; raising awareness of child labor; and increasing child labor law enforcement.(32, 60, 66) Also seeks to improve the quality of child labor data in Peru.(32)
A Peru Without Child Labor	Aims to prevent and eradicate child labor through a partnership between the Government and a network of private businesses committed to supporting the National Strategy.(60, 66, 74)
National Action Plan for Children and Adolescents (2012–2021)	Establishes a comprehensive set of government policies for children and adolescents to eradicate the worst forms of child labor.(60-62, 66)
Second National Plan to Combat Forced Labor (2013–2017)	Establishes policies and priorities for combating forced labor to reduce children’s vulnerability to becoming engaged in forced labor.(38, 60)
Intersectoral Protocol Against Forced Labor	Outlines the Government’s role in combating forced labor and provides for the housing, legal defense, and educational reintegration of children and adolescent victims of forced labor. Monitored by the National Commission Against Forced Labor.(5, 60, 75)
National Policy Against Trafficking in Persons	Aims to prevent and reduce human trafficking by addressing root causes, prosecuting perpetrators, assisting victims, and strengthening programs for vulnerable populations, including child laborers.(8, 55, 60, 76)

In 2016, the Government of Peru signed an agreement with the Peruvian Soccer Federation to promote child labor prevention activities in Lima and continued to implement the National Plan for Documentation through interagency efforts to help remote indigenous communities register for national identity documents and to check minors for national identity documents or parental consent to travel in regions that experience high levels of human trafficking and child labor.(36, 77) Although potentially a useful policy tool, the Second National Plan to Combat Forced Labor for 2013–2017 still does not have funding for its implementation.(12)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor

Program	Description
USDOL-Funded Projects	USDOL projects that aim to eliminate child labor, including its worst forms, through research, improved monitoring and enforcement, policy development, and awareness-raising. These projects include Global Research on Child Labor Measurement and Policy Development , implemented in 10 countries by the ILO; Proyecto Semilla (Seed Project): Combating Exploitative Rural Child Labor in Peru , \$16 million, 7-year project implemented by <i>Desarrollo y Autogestión</i> ; Consolidating and Disseminating Efforts to Combat Forced Labor in Brazil and Peru , \$6 million, 5-year project implemented by the ILO; From Protocol to Practice: A Bridge to Global Action on Forced Labor (The Bridge Project) , global project implemented by the ILO. For additional information about USDOL’s work, please visit our Web site .(78-81)
Responsible Peru†	MTPE program to create formal youth employment and strengthen corporate social responsibility.(8) In 2016, the MTPE signed agreements with two universities to develop joint activities to prevent and eradicate child labor.(82)
Huánuco Project†	Improves school retention and attendance rates among child laborers in rural areas. In conjunction with the Together Program, assists approximately 4,000 children and 3,200 families by providing cash transfers, education, and livelihood services.(32, 58, 60, 62, 63)
Carabayllo Project†	Provides scholarships, education assistance, psychological help, and other services to 1,000 families and 1,500 children to reduce urban child labor, especially in garbage dumps.(32, 58, 60, 62, 63)
Child Labor Record System (2015–2017)	\$230,243 Government of Canada-funded, 2-year project implemented by the ILO to create an integrated child labor identification and registration system.(60, 83)

Table 10. Key Social Programs to Address Child Labor (cont)

Program	Description
Learn Program (<i>Yachay</i>)†	MIMP program to increase protection and access to social services for children subjected to street work, begging, and commercial sexual exploitation.(84)
Street Educators (<i>Educadores de Calle</i>)†	MIMP program under <i>Yachay</i> provides counseling and training to children engaged in begging and street work in 20 cities throughout Peru.(8, 85) Connects working children and their families to educational and social services to withdraw them from exploitative work and improve family welfare.(36, 59, 85)
Together Program (<i>Juntos</i>)†	Ministry of Social Development program, provides cash transfers to approximately 650,000 low-income households in 15 of the country's 25 regions.(55, 86, 87)

† Program is funded by the Government of Peru.

Although Peru has programs that reach children who work in agriculture in rural areas, the scope of these programs is still insufficient to fully address the large number of children that perform dangerous tasks in agriculture. Peru also lacks targeted programs to assist children who are subjected to commercial sexual exploitation and children who work in mining, logging, and domestic work.(12)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Peru (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the minimum age for work in fishing and mining and for night work is 18 or that adolescents ages 16 and 17 receive adequate, specific instruction or training and that their health, safety, and morals are fully protected.	2014 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Publish information on the number of labor inspections conducted at worksites and by desk review; about the training system for labor inspectors and criminal investigators, including details on training provided to inspectors and investigators, and training provided on new laws related to child labor; the number of child labor violations for which penalties were imposed and collected; and the number of prosecutions initiated and convictions achieved related to the worst forms of child labor.	2015 – 2016
	Increase the level of funding allocated to the MTPE, SUNAFIL, and regional labor inspectorates for staff, training, and resources to help ensure effective enforcement of child labor laws, particularly in the informal sector and regions with high rates of child labor.	2009 – 2016
	Increase the collection rate of fines imposed for child labor law violations, especially to deter future violations.	2015 – 2016
	Increase the level of funding and the resources allocated for criminal law enforcement related to the worst forms of child labor, including for increased training on the worst forms of child labor for criminal investigators.	2015 – 2016
	Conduct criminal investigations in bars where minors serve alcohol or are subjected to commercial sexual exploitation, and ensure that penalties are properly enforced.	2016
Coordination	Strengthen coordination and information-sharing mechanisms among government agencies responsible for responding to child labor issues.	2012 – 2016
	Ensure that regional CPETI commissions develop action plans to combat child labor and allocate sufficient funding to implement these plans.	2010 – 2016
Government Policies	Allocate sufficient funding to fully implement the Second National Plan to Combat Forced Labor.	2013 – 2016
Social Programs	Enhance efforts to eliminate barriers and make education accessible for all children, in particular, in indigenous communities and rural areas, including by expanding existing bilingual education programs.	2014 – 2016
	Expand social programs to reach a greater number of children that perform dangerous tasks in agriculture, and initiate social programs to address child commercial sexual exploitation, child labor in mining, child labor in logging, and child domestic work.	2009 – 2016

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